

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

PHILLIP M. ADAMS & ASSOCIATED,
LLC, a Utah Limited Liability Company,

Plaintiff,

vs.

ASUSTEK COMPUTER, INC., et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER UNSEALING ORDER RE:
ASUSTeK

Case No. 1:05-CV-64 TS

During the jury trial on this matter, the Court issued its ASUSTeK Sanctions Order, which addressed the parties' Objections to two Orders issued by the Magistrate Judge on Plaintiff's Motion for terminating sanctions against ASUSTeK. The ASUSTeK Sanctions Order found that ASUSTeK's conduct warranted a sanction in the form of an adverse jury instruction—an instruction that was given to the jury.

However, because the ASUSTeK Sanctions Order was issued in the midst of the jury trial, the Court granted ASUSTeK's request to maintain it under seal until the jury issued its verdict and directed ASUSTeK to file any specific objection to its unsealing.

Despite the sanction being public information as a result of the adverse jury instruction, ASUSTeK objects to unsealing the Order on the following grounds: (1) there

is no good cause to unseal it; (2) it contains information subject to a protective order; (3) it would prejudice ASUSTeK to unseal it prior to the resolution of the second phase of this bifurcated case; and (4) another sanctions order against another Defendant remains sealed.

The Court finds as follows: The jury has rendered its verdict in the first half of this bifurcated proceeding and the second half has been largely resolved. Good cause is not required to unseal the Order because Court orders are presumptively public documents. The reasons for retaining an order relating to another party under seal do not apply to the ASUSTeK sanctions order, especially where both of the Magistrate Judge's related orders on the same subject are on the public docket. Because those Orders, as well as the adverse jury instruction are all matters of public record, there can be no prejudice to ASUS in unsealing the Order imposing the sanction of an adverse jury instruction. As to the information that is subject to a protective order, the Court will partially redact that information. It is therefore

ORDERED that the ASUSTeK Sanctions Order (Docket No. 1770) will be Unsealed in redacted form.

DATED June 22, 2011.

BY THE COURT:



TED STEWART
United States District Judge